



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 29 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James McBride
Vice President of Quality Assurance
Schulze & Burch Biscuit Company
1133 West 35th Street
Chicago, Illinois 60609

Dear Mr. McBride:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Schulze & Burch Biscuit Company (you) under Section 112(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan at your Chicago, Illinois facility.

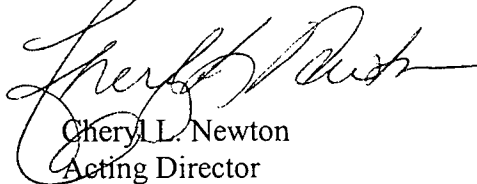
Section 113 of the CAA gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you the opportunity to confer with us about the violations alleged in the NOV. The conference will give you the opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Jamie Iatropulos. You may call her at (312) 886-6024 to request a conference. You should make the request as soon as possible, but no later than 10

calendar days after your receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Chief
Compliance and Systems Management Section
Illinois Environmental Protection Agency

Joe Kotas, Bureau of Air
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Schulze & Burch Biscuit Company)	NOTICE OF VIOLATION
Chicago, Illinois)	
)	
Proceedings Pursuant to Section 113 (a)(1))	EPA-5-08-IL-24
of the Clean Air Act, as amended, 42 U.S.C.)	
§ 7413 (a)(1))	
)	

NOTICE OF VIOLATION

Schulze & Burch Biscuit Company (you) owns and operates a food manufacturing facility located in Chicago, Illinois. The U.S. Environmental Protection Agency is sending this Notice of Violation (NOV) to you for violating requirements of the Illinois State Implementation Plan. An explanation of the violations is provided below.

STATUTORY AND REGULATORY BACKGROUND

1. EPA approved the Illinois Pollution Control Board (IPCB) Rule 103 as part of the federally enforceable Illinois State Implementation Plan (SIP) on May 31, 1972. 37 Fed. Reg. 10862.
2. IPCB Rule 101 defines an "emission source" as any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere. IPCB Rule 101 now is set forth at 35 Illinois Administrative Code (IAC) § 201.102.
3. IPCB Rule 101 defines a "new emission source" as any emission source that commences construction or modification on or after April 14, 1972.
4. IPCB Rule 103(a)(1) states that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution control equipment, without first obtaining a construction permit from the Agency. IPCB Rule 103(a)(1) now is set forth at 35 IAC § 201.142.
5. IPCB Rule 103(b)(1) states that no person shall cause or allow the operation of any emission source or new air pollution control equipment, for which a construction permit is required, without first obtaining an operational permit from the Agency. IPCB Rule 103(b)(1) now is set forth at 35 IAC § 201.143.

FINDINGS OF FACT

6. Schulze & Burch Biscuit Company owns and operates a food manufacturing facility (facility) located at 1133 West 35th Street, Chicago, Illinois.
7. The facility began manufacturing at the Chicago location in 1939.
8. The facility operates at least eight baking lines including ovens, two natural gas boilers, 16 raw material storage silos, and ingredient mixing tanks.
9. The facility installed at least one baking line after April 14, 1972.
10. The facility is an "emission source" as that term is defined at 35 IAC § 201.102.
11. The facility is a "new emission source" as that term is defined at 35 IAC § 201.102.
12. As a "new emission source," Schulze & Burch Biscuit Company, is subject to the construction and operating permit requirements of 35 IAC §§ 201.142 and 201.143.

VIOLATIONS

13. Schulze & Burch Biscuit Company failed to obtain construction and operating permits, in violation of 35 IAC §§ 201.142 and 201.143 and Section 110 of the Act, 42 U.S.C. § 7410.

Date

7/29/08

Cheryl L. Newton

Acting Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Notice of Violation, No. EPA-5-08-IL-24, by Certified Mail, Return Receipt Requested, to:

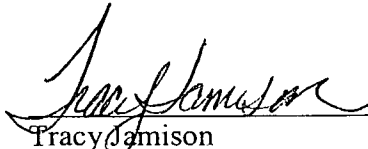
James McBride
Vice President of Quality Assurance
Schulze & Burch Biscuit Company
1133 West 35th Street
Chicago, Illinois 60609

I also certify that I sent copies of the Notice of Violation by first class mail to:

Ray Pilapil, Chief
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

Joe Kotas, Bureau of Air
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

on the 30 day of July, 2008.


Tracy Jamison
Office Automation Clerk
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0005 89202344